

CALIFORNIA APPRENTICESHIP COUNCIL

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STANDARDS, RULES, REGULATIONS & OPERATING PROCEDURES COMMITTEE MEETING

MINUTES

Thursday – October 30, 2008 10:00 a.m.

I. Call To Order/ Roll Call

CAC Chairperson Aram Hodess called the meeting to order at 10:05 a.m.

Members present: Aram Hodess, Anne Quick, Carl Goff, Donna Bechthold, Pat McGinn and Leo Garcia,

Members absent:

Review/Approval of the minutes of July 31, 2008

A motion to accept the minutes was made by Commissioner McGinn and seconded by Commissioner Goff. The minutes were approved.

II. Proposal of Labor Code Section 292 C Electrical Certification and re Certification fees.

- Richard Markuson, WECA withdrew their request to amend renewal fee for Electrical Certification.
- Fred Lonsdale, DAS Legal Counsel, advised that any amendment to Labor Code Section 292 C in Electrical Certification was not under CAC's jurisdiction.

III. Other Item of Potential Interest

- It was reported that some employers are requesting dispatch of apprentices for unrealistically short work periods (EX: as little as two hours). These short calls are made by employers knowing full well they will most likely not be filled. These employers do not want to employ apprentices and are making these unreasonably short calls solely to meet their minimum obligation under the regulations with no real intent to employ apprentices. There was consensus that this id done in bad faith. It was suggested one way to address this was to develop "good faith" language in the regulations that would give DAS a basis to consider whether an employer is making a good faith request to hire apprentices. This will be discussed as an agenda item at the next meeting. Commissioner Garcia reiterated that employers are legally obligated to employee apprentices at the 1 in 5 hour ratio.
- It was suggested that DAS consultants should visit job-sites when it was questioned whether a request was made in good faith by determining how much work was actually available.

- There was a discussion on the concerns of non-signatory employers when they request dispatch of apprentices. Employers are concerned when requesting how much work was actually available.
- There was a discussion on the concerns of non-signatory employers when they request dispatch of apprentices. Employers are concerned when requesting dispatch of an apprentice to train an apprentice to a program's standards and signing a subscription agreement to pay the fringes on behalf of a dispatched apprentice obligates them to a collective bargaining agreement. The consensus of attorneys present was that doing so did not bind employers to a collective bargaining agreement, unless a Program's standards incorporated a CBA, but there needs to be further investigation and clarification, including possible amendment of the DAS 140 form to clarify.
- It was noted that employers realize a financial benefit paying fringe benefits on behalf of apprentice employees because there is no employer "burden" paid on the prevailing wage is paid in cash to the apprentice.
- Fred Lonsdale, Legal Counsel, DAS asked the panel whether the current regulations placed undue burdens on programs where the discipline and/or removal of apprentices is concerned.

The meeting adjourned at 11:07a.m.